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Bentley
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I, Deborah J. Newton, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on the date of my signature.



Michael Best & Friedrich LLP

Deborah J. Newton

Signature

April 30, 2002

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Joseph L. Rudolph) Group Art Unit: 3643
Serial No.: 09/858,187)
Filed: May 15, 2001) Examiner: Richard Thomas Price, Jr.
For: "FREE STALL DIVIDER") Date: April 30, 2002
) Attorney Docket No.: 65379-9001-US003

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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RESPONSE

This Response is filed in response to the January 31, 2002 Office Action issued with respect to the above-referenced patent application, and is filed within the three-month shortened statutory period set for response. Accordingly, no extension of time fee or petition is required to accompany this Amendment. Consideration of the following remarks is respectfully requested.

REMARKS

In paragraphs 1 and 2 of the Office Action, claims 1-38 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-19 of United States Patent Number 5,975,026 issued to Rudolph (the '026 Rudolph Patent). In a telephone conversation with between the Examiner and the undersigned Applicant's Representative on April 30, 2002, the Examiner noted that the Office Action incorrectly refers to claims 1-38 as originally filed in United States Patent Application Serial Number 09/004,467 (now issued as United States Patent